this rule, in cases of sale and re-sale, the vendee has been allowed to recover from the vendor his costs in defending an action brought by the sub-vendee for breach of implied warranty. *Hammond & Co.* v. *Bussey*, 20 Q. B. D. 79. See FOA, LANDLORD AND TENANT, 4 ed., 234. But the decision in the principal case rests on good authority. *Penley* v. *Watts*, 7 M. & W. 601; *Walker* v. *Hatton*, 10 M. & W. 249. B, who was himself in default, might have avoided this added expense by paying A before suit was brought. The costs are therefore too remote to have been reasonably within the contemplation of the parties as probable damages arising from C's breach.

LIBEL AND SLANDER — PRIVILEGED COMMUNICATIONS — PUBLICATION INVITED OR PROCURED BY PLAINTIFF. — The defendant at the plaintiff's request repeated at a club meeting an accusation against the plaintiff, made originally to the plaintiff alone. *Held*, that the publication was privileged. *Shafer* v. *Haupt*, 58 Pitts. Leg. J. (Pa., Allegheny Co. C. P., July 6, 1910).

The plaintiffs induced A to write a letter to the defendant, expecting a defamatory reply on which they could base an action. *Held*, that the plaintiffs caused the publication and cannot recover. *Melcher* v. *Beele*, 110 Pac. 181 (Colo.).

Many authorities agree with the Pittsburgh case in putting the defense in such cases on the ground of conditional privilege. *Warr* v. *Jolly*, 6 C. & P. 497; *Billings* v. *Fairbank*, 136 Mass. 177. Other cases hold that, at least where the plaintiff authorizes the publication in order to base an action thereon, the rule of *volenti non fit injuria* applies. *Sutton* v. *Smith*, 13 Mo. 120; *Heller* v. *Howard*, 11 Ill. App. 554. It is submitted that this is the true ground of defense in both cases. The defense of conditional privilege seems properly to be based on the defendant's right to speak in his own interest, or on a duty to speak in the interest of others. Neither of these elements is present in these cases. Furthermore, although the existence of wrong motive would defeat conditional privilege, it is submitted that in these cases the plaintiff would not be allowed to set up the defendant's wrong motive as a ground for his recovery.

LIMITATION OF ACTIONS — NATURE AND CONSTRUCTION OF STATUTE — MUNICIPAL CORPORATIONS AS AFFECTED BY STATUTE. — In an action by a city to recover damages for injuries to a bridge, the defendant proved that the claim had not accrued within the period of limitation. *Held*, that the action cannot be maintained. *City of Chicago* v. *Dunham Towing & Wrecking Co.*, 92 N. E. 566 (Ill.).

Against the state, as sovereign, no time runs. *Lindsey* v. *Lessee of Miller*, 6 Pet. (U. S.) 666. But where the state is merely a nominal party, statutes of limitations apply. *Miller* v. *State*, 38 Ala. 600. *Cf. Wasteney* v. *Schott*, 58 Oh. St. 410. And where the state becomes a member of a trading company, its claims may be barred. *Bank of the United States* v. *M'Kenzie*, 2 Brock. (U. S.) 393. *Contra, President and Directors of the State Bank of Illinois* v. *Brown*, 2 Ill. 106. Many cases hold that all governmental agencies except the state are subject to the statute under all circumstances. *Hartman* v. *Hunter*, 56 Oh. St. 175; *Knight* v. *Heaton*, 22 Vt. 480. But by the weight of authority, public rights, enforced by cities or counties, are not lost by lapse of time. *Greenwood* v. *Town of La Salle*, 137 Ill. 225; *City of Osawatomie* v. *Board of Commissioners of Miami County*, 78 Kan. 270. And the better cases hold that the statute does not bar claims of public institutions, such as schools and hospitals. *Eastern State Hospital* v. *Graves' Committee*, 105 Va. 151. See 20 HARV. L. REV. 644. It has even been held that where, by legislation, the statute of limitations runs against the state, still property devoted to public uses, such as streets, is not lost by adverse possession. *Ralston* v. *Town of Weston*, 46 W. Va. 544. *Contra, City of St. Paul* v. *Chicago, Milwaukee, & St. Paul R. Co.*,